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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,232	10/23/2003	Jonathan Paul Griffith	78007/00002	8379
23380	7590	01/11/2005		
TUCKER, ELLIS & WEST LLP 1150 HUNTINGTON BUILDING 925 EUCLID AVENUE CLEVELAND, OH 44115-1475			EXAMINER MOTTOLA, STEVEN J	
			ART UNIT 2817	PAPER NUMBER

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,232

Applicant(s)

GRIFFITH ET AL.

Examiner

Steven J. Mottola

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 17-23 is/are rejected.
- 7) ☒ Claim(s) 9-16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 and 17-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Schuss et al.

Refer to the figure and abstract of Schuss et al. Treating independent claims 1 and 17 first, an input signal terminal 12 may be read as the signal input element of claim 1 or the means for receiving of claim 17. Amplifier 14 may be read as the first amplifying element of claim 1 or the means for amplifying the input of claim 17. Phase shifter 20 may be read as the like element of claim 1 or the means for altering of claim 17. Amplifier 22 may be read as the second amplifying element of claim 1 or as the means for amplifying the altered signal of claim 17. Impedance transformer 16 may be read as the like element of claim 1 or as the means for transforming of claim 17 and combiner 28 with output port 30 may be read as the signal output element of claim 1 or means to combine of claim 17. Regarding the preamble of claim 17, note that the amplifier of Schuss et al. is a Doherty type. Regarding claims 2-4 and 18, the amplifier of Schuss et al. is an RF amplifier designed to reduce the amount of chip area required (col. 3, lines 20-24) and to be able to be built on a single substrate (col. 5, lines 18-19) indicating integrated construction and it is for use at microwave frequencies (col. 1, line 9). Regarding claim 5, the phase shifter 20 is a quarter wavelength shifter so the phase

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shift will be 90 degrees. Regarding claims 6 and 19, the transformer 16 is quarter wavelength. Regarding claim 7, the impedance transformer could be built of lumped elements; see col. 6, lines 46-48. Regarding claim 8, Schuss et al. indicate that the amplifiers are FETs and will thus inherently have the terminals claimed and further that the amplifier 22 (read as the second amplifying element) has a particular biasing (see lines 55-60 of col. 4). Regarding claim 20, the means for altering is read on the phase shifter 20 of Schuss et al. as noted above. Regarding claim 21, the col. 4, lines 55-60 passage noted above indicates that the bias circuit of amp 22 reacts to the input, which may also be read on tailoring the operating point as stated in claims 22-23.

Claims 9-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The specifics of the bias circuit of claim 9 are not shown in Schuss et al.

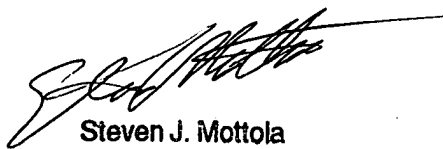
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven J. Mottola whose telephone number is 571-272-1766. The examiner can normally be reached on M-Th from 7:30 to 4:30. The examiner can also be reached on alternate Fridays from 7:30 to 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, Robert J. Pascal, can be reached on 571-272-1769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven J. Mottola
Primary Examiner